

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**SARAH MOLINA, *et al.***

**Plaintiffs,**

**v.**

**CITY OF ST. LOUIS *et al.*,**

**Defendants.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No. 4:17-cv-2498-AGF**

**DEFENDANTS' MOTION TO COMPEL**

COME NOW Defendants City of St. Louis ("City"), Daniel Book, Joseph Busso, Jason Chambers, Lance Coats, Stephen Dodge, Joseph Mader, Michael Mayo, Mark Seper, and William Wethington (collectively "Defendants"), by and through their attorney Julian Bush, City Counselor for the City of St. Louis, and for Defendants' Motion to Compel state as follows:

1. Plaintiff Christina Vogel alleges that, as a direct result of having tear canisters shot at her on Euclid Avenue, she suffered emotional damages and experienced "mental distress, including panic attacks and sensory flashbacks." (Doc. 36, Pl.'s Am. Compl. ¶¶ 81, 85).

2. In response to Defendants' interrogatories regarding medical treatment, Ms. Vogel disclosed that, from 2016 to 2018, she received mental health treatment from Deveraux Counseling for "mental distress, panic attacks, and sensory flashbacks." (Ex. A, Vogel Interrogatory Answers, p. 6).

3. In her deposition, Ms. Vogel testified that her treatment at Deveraux Counseling was sought and received as a direct result of the alleged incident at issue in

this case and that, to this day, she experiences difficulty breathing, hyperventilation, and chest tightness as a result of Defendants' alleged conduct. (Doc. 124-6 at 151, 154-155).

4. Ms. Vogel has refused to sign authorizations for the release of her Deveraux Counseling records and records related to her prior treatment for shortness of breath.

5. Because Ms. Vogel's Deveraux Counseling records and records related to prior treatment for shortness of breath are relevant, and because Ms. Vogel has put her health at issue in this case, this Court should order that she execute authorizations for the release of her medical records from Deveraux Counseling, the Kelsey-Seybold Clinic in Houston, Texas, and the Houston Northwest Medical Center in Houston, Texas.

6. Pursuant to E.D. Mo. L.R. 3.04 and the Court's Requirements, counsel for Defendants certifies that, on May 8, 2020, at 3:16 p.m., counsel for all parties spoke by phone in a good faith effort to resolve this dispute, but were unable to reach an accord.

7. A memorandum of law in support of this motion is attached hereto.

WHEREFORE, Defendants respectfully request that the Court grant Defendants' Motion to Compel and order Ms. Vogel to execute authorizations for the release of her records from Deveraux Counseling, the Kelsey-Seybold Clinic, and the Houston Northwest Medical Center, as well as produce any of those records that are in her custody or control.

Respectfully submitted,

JULIAN BUSH,  
CITY COUNSELOR

By: /s/ Andrew D. Wheaton  
Andrew D. Wheaton #65269MO  
Associate City Counselor  
City Hall, Room 314  
St. Louis, MO 63103  
314.622.4594  
wheatona@stlouis-mo.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on May 13, 2020, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system on all counsel of record.

/s/ Andrew D. Wheaton